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5 Attorneys for Defendant
6 KINDERCARE LEARNING CENTERS, INC.

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9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA

11 THERESA BUCKMAN-FALDUTI, an
individual; TODD FALDUTI, and individual,

12 Plaintiffs,

13 vs.

14 KINDERCARE LEARNING CENTERS, INC.,
15 a Delaware corporation,

16 Defendant.

) Case No. C 08-04778 CW

) **STIPULATION AND [PROPOSED]**
) **ORDER TO EXTEND THE TIME FOR**
) **COURT ORDERED MEDIATION**

Pursuant to ADR Local Rule 5-5 and Local Rules 6-2 and 7-12, Defendant KINDERCARE LEARNING CENTERS, INC. ("KinderCare") and Plaintiffs THERESA BUCKMAN-FALDUTI and TODD FALDUTI stipulate to extend the court ordered mediation deadline in this matter from to July 29, 2009 to September 14, 2009 for the reasons stated in the Declaration of Giovanna A. Ferrari attached hereto as Exhibit A. This stipulation is made on the condition that such extension does not effect any party's right to move for or stipulate to an extension of any other deadline if such motion or stipulation is warranted.

IT IS SO STIPULATED.

DATED: May 22, 2009

SEYFARTH SHAW LLP

By Giovanna A. Ferrari
Jay W. Connolly
Giovanna A. Ferrari
Attorneys for Defendant
KINDERCARE LEARNING CENTERS, INC.

DATED: May 22, 2009

ESTEY & BOMBERGER, LLP

BY Stephen Estey
Stephen Estey
Attorneys for Plaintiffs
THERESA BUCKMAN-FALDUTI AND
TODD FALDUTI

DATED: May 22, 2009

LAW OFFICE OF DONALD J. BECK

BY Donald J. Beck
Donald J. Beck
Attorneys for Plaintiffs
THERESA BUCKMAN-FALDUTI AND
TODD FALDUTI

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May 26, 2009

Claudia Wilken
Hon. Judge Claudia Wilken

EXHIBIT A: DECLARATION OF GIOVANNA A. FERRARI

I, Giovanna A. Ferrari, declare:

1. I am an attorney at law duly licensed to practice before all courts of the State of California. I am an associate at the law firm of Seyfarth Shaw LLP, attorneys of record for Defendant KINDERCARE LEARNING CENTERS, INC. ("KinderCare"). The following facts are personally known to me, and if called as a witness, I could and would competently testify thereto.

2. There has been only one other stipulation to extend time in this matter: On November 20, 2008, the parties stipulated to extend the time for KinderCare to answer the complaint.

3. On February 6, 2009, this Court issued a Minute Order and Case Management Order which included a private mediation deadline of July 29, 2009. Trial is currently set for June 1, 2010.


4. On April 22, 2009, Plaintiffs filed a first amended complaint which altered the parties to the case and changed the causes of action against KinderCare.

5. KinderCare assigned new lead trial counsel in May 2009. See Notice of Substitution of Counsel filed concurrently herewith.

6. Extending the court ordered mediation deadline will allow the parties and new counsel to conduct necessary discovery based on the amended complaint and to better prepare for and participate in the mediation.

7. The stipulation will not have an effect on any other court ordered deadlines, but is made on the condition that such extension does not effect any party's right to move for or stipulate to an extension of any other deadline if such motion or stipulation is warranted.

I declare under penalty of perjury under the laws of the United States, that the foregoing is true and correct. Executed this 22nd day of May 2009, at San Francisco, California.


Giovanna A. Ferrari
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